

## **THE TOWN OF FOREST HEIGHTS**

### **RESOLUTION 66 - 2019**

A RESOLUTION TO APPROVE A PROPOSAL AND PROFESSIONAL SERVICES AGREEMENT TO REMOVE AND DISPOSE OF ASBESTOS MATERIALS FOUND IN CERTAIN FLOORING TILES LOCATED IN DISTINCT AREAS OF THE MUNICIPAL BUILDING'S FIRST FLOOR IN ORDER TO PREPARE FOR THE RETOFITTING OF CERTAIN AREAS OF THE TOWN HALL BUILDING TO PROVIDE FOR AND INSTALL BUILDING SECURITY MEASURES FOR EMPLOYEES AND THE GENERAL PUBLIC

Introduced by: Habeeb-Ullah Muhammad, Mayor

WHEREAS, the Town Council has the authority to approve the procurement of goods and services pursuant to Town Code, Section 20.4 and Charter, Section 33-63(a) requires that all purchases and contracts for the Town Government shall be made by the Mayor and Council; and

WHEREAS, the Town Council by Resolution 60-2019 on September 33, 2019 approved and authorized the Mayor to execute on behalf of the Town a contract with Ballistic Deterrent Systems, L.L.C., a New Jersey company, doing business as Clear Security Systems in the amount of \$37,00.00 to be paid from Budget line item 7223 for the installation and construction of certain security measures to be located in the lobby area of the Municipal Building; and

WHEREAS, Town Charter, Section 33-63(e) further states that all contracts involving professional services shall not be on a bid basis, but shall be negotiated by the Council; and

WHEREAS, specifically Town Charter, Section 33-63(g) sets forth the procedure for waiving the competitive bidding requirements of said section for good cause shown for sole source procurements of unique products and services; and

WHEREAS, reports of testing by SanAir Technologies Laboratory have been provided in writing including (i) Report dated 10/8/19 (No. 19051841) of one (1) sample of the floor tile in the lobby with a positive finding of 5% Chrysotile asbestos fibers, and (ii) Report dated 10/18/19 (No. 19053627) of three (3) samples of floor tile in the back offices tiles and lobby drywall and joint compound finding a positive of 4% Chrysotile asbestos fibers in the back offices tiles only; and

WHEREAS, the Mayor and Council finds that testing has occurred and that asbestos fibers have been found in certain flooring materials located in the lobby that is pending reconstruction to add certain security measures already procured and described herein and asbestos has also been found in other areas of the first floor; and

WHEREAS, the Mayor and Council finds that Envirotex LLC of Gainesville, VA ("Envirotex") is professionally licensed by the Maryland Department of the Environment, Division of Asbestos Licensing & Enforcement to provide asbestos removal/encapsulation (License

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Number: M48-00-519, dated 1/9/19) in accordance with Maryland Code, Env. Art., § 6-401 *et seq.* and COMAR Reg. 26.11.21; and

WHEREAS, the Mayor and Council finds that Envirotex's proposal dated October 21, 2019 offers to provide four (4) separate, incrementally increasing options for the scope of work to take place depending on the Town's budgetary, operational disruption and other considerations as follows:

Option	Scope	Days' Work	Cost
No. 1	Lobby and Hallway (2 layers)	2	\$5,950.00
No. 2	No. 1 plus two (2) Back Offices (2 layers)	3	\$7,950.00
No. 3	No. 2 plus Offices by the Lobby (carpet & padding)	5	\$12,950.00
No. 4	No. 3 plus tile behind the Lobby Desk (tan/brown tile)	7	\$19,950.00

AND WHEREAS, the Town Administrator and the Public Works Director advise that the logistics necessary to complete the asbestos abatement of the entire first floor would entail significant disruption to the administrative offices including moving furniture and computers, equipment take down and set-up, and not to mention time staff, which would be unable to use parts of the building, and further agree and recommend that that Option No. 1 be chosen by the Council; and

WHEREAS, the total cost for the abatement project could be as much as \$19,950.00 depending on the option chosen, and the proposal and contract are attached hereto to as Exhibit A.

NOW, THEREFORE BE IT RESOLVED, that the Town Council hereby approves and authorizes the Mayor to execute on behalf of the Town the letter proposal/contract tendered by Daniel L Freeman of Envirotex Environmental Services LLC dated October 21, 2019 in the amount of \$ 5,950.00 (Option No. 1) to be paid from Budget line item 7223 for work to be completed before certain security measures are installed pursuant to Resolution 60-2019.

AND, BE IT FURTHER RESOLVED, that prior to the Mayor signing the approved proposal/contract with Envirotex Environmental Services LLC, said company shall provide a certificate of good standing, proof of insurance and a signed waiver and release indemnifying the Town, to the satisfaction of the Town Administrator;

AND, BE IT FURTHER RESOLVED, that the Mayor and Town Council of Forest Heights, Maryland hereby authorizes and approves the Mayor on behalf of the Town to execute any other related instrument or document necessary to carry out the intent of this Resolution.

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AND, BE IT FURTHER RESOLVED, that this Resolution shall take effect upon its passage.

PASSED this 4 day of November 2019.

**APPROVED:** By Resolution of the Town Council of The Town of Forest Heights, Maryland

### ROLL CALL VOTE

### YE/NAY/ABSTAIN/ABSENT

MUHAMMAD

Yea

KENNEDY II

Yea

MANN

Yea

BARNES

Yea

HINES

Yea

WASHINGTON

Yea

NOBLE

Yea

I HEREBY CERTIFY that the above Resolution No. 66-19 was passed by the required yea and nay vote of the Mayor and Council of Forest Heights on the 4 day of November 2019.

ATTEST:

THE TOWN OF FOREST HEIGHTS, MD

### SIGNATURE ON FILE

Sherletta B. Hawkins, Town Clerk

### SIGNATURE ON FILE

By:

Habeeb-Ullah Muhammad, Mayor

### SIGNATURE ON FILE

By:

Calvin Washington, Council President